**COOLEY LLP** SYVERSON, LESOWITZ & GEBELIN LLP 1 WHITTY SOMVICHIAN (194463) Scott Lesowitz (261759) (wsomvichian@cooley.com) (scott@syversonlaw.com) 2 101 California Street, 5th Floor 8383 Wilshire Boulevard, Suite 520 San Francisco, CA 94111-5800 Beverly Hills, California 90211 3 Telephone: (415) 693-2000 T: (310) 341-3076 Facsimile: (415) 693-2222 4 Attorney for Defendant Kydia Inc. COOLEY LLP 5 **BRENDAN J. HUGHES** (Admitted *Pro Hac Vice*) 6 (bhughes@cooley.com) REBECCA GIVNER-FORBES 7 (Admitted Pro Hac Vice) (rgf@cooley.com) 8 1299 Pennsylvania Avenue, NW, Ste. 700 Washington, DC 20004 9 Telephone: (202) 842 7800 (202) 842 7899 Facsimile: 10 Attorneys for Plaintiff Google LLC 11 12 UNITED STATES DISTRICT COURT 13 NORTHERN DISTRICT OF CALIFORNIA 14 SAN JOSE DIVISION 15 16 GOOGLE LLC, a Delaware limited liability Case No. 18-cy-03047-NC 17 company, STIPULATED DISMISSAL OF THE CASE 18 Plaintiff, UNDER FED. R. CIV. P. 41(A)(1)(A)(II) 19 v. 20 KYDIA INC. D/B/A BEYONDMENU, an Illinois corporation, and DOES 1-20, 21 Defendant. 22 23 24 25 26 27

## STIPULATED DISMISSAL 1 2 Plaintiff Google LLC ("Google") and Defendant Kydia Inc. d/b/a BeyondMenu ("Kydia"), by 3 and through their undersigned counsel, hereby notify the Court that they have agreed to a settlement 4 agreement relating to Google's claims, which was fully executed on June 3, 2019 (the "Settlement 5 Agreement"). 6 Pursuant to the Settlement Agreement, Google and Kydia hereby stipulate under Federal Rule 7 of Civil Procedure 41(a)(1)(A)(ii) that the complaint in this matter be dismissed without prejudice and 8 subject to Google's ability to seek enforcement of the Settlement Agreement as described in Section 9 12 of the Settlement Agreement. 10 The parties jointly request that the Court retain jurisdiction over this action solely for purposes 11 of enforcing the Settlement Agreement. A proposed order is submitted herewith. 12 Dated: June 5, 2019 COOLEY LLP 13 14 By: /s/ Whitty Somvichian 15 Whitty Somvichian (194463) Attorneys for Plaintiff Google LLC 16 17 SYVERSON, LESOWITZ & GEBELIN LLP 18 By: /s/ Scott Lesowitz 19 Scott Lesowitz (261759) Attorney for Defendant Kydia Inc. 20 21 22 23 24 25 26 27

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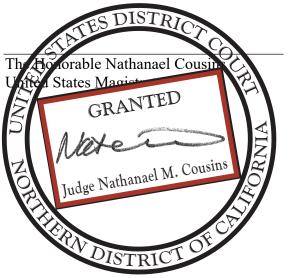
## [Proposed] ORDER

Whereas the parties have entered into a settlement agreement on June 3, 2019 to resolve this action (the "Settlement Agreement"), the Court hereby ORDERS:

- 1. The complaint filed by Plaintiff Google LLC ("Google") against Defendant Kydia Inc. d/b/a BeyondMenu ("Kydia") is hereby dismissed without prejudice and subject to Google's subject to Google's ability to seek enforcement of the Settlement Agreement as described in Section 12 of the Settlement Agreement;
- 2. The Court shall retain jurisdiction over this action solely for purposes of enforcing the terms and remedies of the Settlement Agreement.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 5, 2019



## **ATTESTATION** Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Whitty Somvichian, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of June, 2019, at San Francisco, California. /s/ Whitty Somvichian